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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,431	06/29/2001	Richard Qian	42390P11146	8957

7590 08/18/2003
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
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12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 08/18/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,431	QIAN, RICHARD	
	Examiner	Art Unit	
	Susan Y Chen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1 - 30 are presented for examination.
2. It is noted that the present application does not contain line numbers in the specification and claims. The instant disclosure does not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification. Also, It is noted that the present specification does not contain line numbers. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(f) he did not himself invent the subject matter sought to be patented.

5. Claims 1-30, are rejected under 35 U.S.C. 102(e and f) as being anticipated by Sezan et al. (U.S. Patent No. 6,236,395).

6. Sezan et al. (U.S. Patent No. 6,236,395) has different assignee and one common inventors in comparison with the instant application.

7. As to claims 1-8, 10-19, 21-25, and 27-30, Sezan at al. (hereinafter referred as Sezan) discloses a system [Abstract; Fig. 1] with means/methods/computer products for updating user preferences for personalization media consumption from device to devices, comprising:

- a) a user identification template [e.g. the user description schema (20), Fig. 1; col. 5, lines 37-40; col. 6, lines 3-7] retrieved from a template database [e.g. the data storage unit 950), Fig. 2] for identifying a user, wherein the user inserting a smart card issued by an issuer into at least one of a plurality of devices [e.g., col. 10, lines 38-46];
- b) a device identification template [e.g., the system description schema (22), Fig. 1] to identify at least one of the devices [col. 6, lines 23-30];

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- c) a user preference template corresponding to the at least one of devices, to identify user preferences associated with the device [e.g., a customized audiovisual information viewing schema, col. 3, lines 21-24; col. 5, lines 37-40];
- d) a user history template corresponding to the at least one of the plurality of devices for tracking user pattern and gathering usage data [e.g. the browsing, viewing, filtering, searching, and device setting histories, col. 5, lines 39-40];
- e) an analyzer comprising a text analyzer, an audio analyzer, and a video analyzer for analyzing data associated with the devices [e.g. the Audiovisual Program Analysis Module (42), Fig. 2; col. 8, lines 34-42; lines 48-55];
- f) a management and configuration module for configuring the analyzed data, dynamically updating the user preferences and storing the configured data [e.g. the Description Scheme Generation Module (44), the Search & Filtering & Browsing Module(52), Fig. 2; col. 8, lines 56- col. 9, line 19].

8. As to claims 9, 20 and 26, Sezan further discloses that the plurality of devices comprises television, a computer, a PDA, a cellular phone, a portable media player, a web terminal, and a set-top box [col. 2, lines 66 – col. 3, line 5; col. 6, lines 5-6; lines 23-30].

Conclusion

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9. To expedite the process of examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Croy et al. (U.S. Patent No. 6,476,825), which teaches a hand-held device for monitoring and controlling personal navigation.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on 7-4:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are:

(703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen

August 11, 2003



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100